

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

JUN 05 2019

for the
Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Feliciano PEREZ (U.S.C. / Y.O.B. 1984)

Case No. M-19-1298-M

Defendant

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/02/2019 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922 (g)(1), an offense described as follows:

The defendant, did knowingly and unlawfully possess one (1) round of Winchester 9mm caliber ammunition which had previously traveled in and affected interstate commerce, after being convicted in a court of law for a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

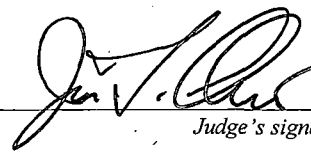
☒ Continued on the attached sheet.

Approved by AVSA Andrew Henning
6/5/19

 6/5/2019
Complainant's signature
Alexander Estrada, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 6/5/19 - 1:49 p.m.City and state: McAllen, Texas


Judge's signature
Juan F. Alanis, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

I, Alexander Estrada, being duly sworn, do hereby state that I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Department of Justice, and have been so employed since January of 2016. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26 of the United States Code.

This affidavit is in support of a criminal complaint charging Feliciano PEREZ (herein after referred to as "PEREZ"), with the criminal violation set forth. The evidence available to me demonstrates that there is probable cause to believe that PEREZ has violated Title 18 U.S.C 922(g)(1) which provides as follows:

It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Further, the Affiant states as follows:

On April 2, 2019, ATF, along with Homeland Security Investigations and United States Postal Inspection Service attempted to make contact with an individual who had ordered a Glock switch from Feliciano PEREZ's residence in Weslaco, Texas. In doing so, ATF made contact with Feliciano PEREZ who granted written consent to search his residence for the Glock switch.

While conducting the search, Agents discovered one hundred sixty-six (166) rounds of assorted ammunition and one (1) spent shell casing at the residence. Among the ammunition discovered was one (1) round of Winchester 9mm caliber ammunition that was discovered in the center console of the couch in the living room. Specifically, PEREZ opened the armrest of the center console of the couch, assisted SA Estrada by sifting through the miscellaneous items in the console, and retrieved the round of ammunition to hand it to SA Estrada. Your Affiant asked PEREZ specifically about the one (1) round of Winchester 9mm caliber ammunition discovered in the center console of the couch and PEREZ explained the following:

PEREZ stated that he had found the 9mm caliber round of ammunition in his driveway a couple of months prior. PEREZ stated that he picked up the 9mm caliber round from his driveway and placed the 9mm caliber round of ammunition inside the center console of his couch. ATF SA Estrada asked PEREZ if he had a 9mm caliber pistol for which the round of ammunition would be used for. PEREZ stated that he was a previously convicted felon and could not be in possession of firearms.

ATTACHMENT A

A review of Feliciano PEREZ's Judgment & Conviction documents detail the following convictions:

First Felony Conviction:

- The State of Texas v Feliciano Gomez PEREZ, Attempted Murder, a Second Degree Felony, on February 26, 2002, in the 398th Judicial District Court of Hidalgo County, Texas under cause number CR-0108-02-I (Count 1) and sentenced ten (10) years of Community Supervision.
- The State of Texas v Feliciano Gomez PEREZ, Attempted Murder, a Second Degree Felony, Date of Revocation: July 1, 2004 in the 398th Judicial District Court of Hidalgo County, Texas under cause number CR-0108-02-I (Count 1) and sentenced to forty-two (42) months in the Institutional Division of the Texas Department of Criminal Justice.

Second Felony Conviction:

- The State of Texas v Feliciano Gomez PEREZ, Attempted Murder, a Second Degree Felony, an offense date of October 31, 2001, in the 398th Judicial District Court of Hidalgo County, Texas under cause number CR-0108-02-I (Count 2) and sentenced ten (10) years of community supervision.
- The State of Texas v Feliciano Gomez PEREZ, Attempted Murder, a Second Degree Felony, Date of Revocation: July 1, 2004 in the 398th Judicial District Court of Hidalgo County, Texas under cause number CR-0108-02-I (Count 1) and sentenced to forty-two (42) months in the Institutional Division of the Texas Department of Criminal Justice.

Third Felony Conviction:

- The State of Texas v Feliciano PEREZ, Unlawful Possession of Firearm By Felon, a Third Degree Felony, an offense date of December 30, 2009, in the 398th Judicial District Court of Hidalgo County, Texas under cause number CR-3285-10-I and sentenced to ten (10) years of community supervision.

Your Affiant spoke with ATF SA Carlos Delgado Jr., who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. Based on the information your Affiant provided SA Delgado about the firearm and ammunition possessed by PEREZ, SA Delgado stated the ammunition was manufactured outside of the State of Texas and therefore, previously traveled in interstate or foreign commerce at sometime prior to being possessed by any person in the State of Texas.

Based on the above information, Feliciano PEREZ, was in possession of the above mentioned ammunition in violation of Title 18, United States Code, Section 922(g)(1), on April 2, 2019, in Hidalgo County, Texas.